

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF PENNSYLVANIA

IN RE: : **Chapter 11**
: **RICCI TRANSPORT & RECOVERY INC.,** : **Bky. No. 22-10969 ELF**
: **Debtor.** :

ORDER CONFIRMING PLAN

AND NOW, the Debtor’s Fourth Amended Plan Under Subchapter V of Chapter 11 of the Bankruptcy Code (“the Plan”) having been filed by the Debtor on **January 11, 2023**, and thereafter transmitted to creditors and equity security holders,

AND, it having been determined, after hearing on notice, that the requirements for confirmation set forth in **11 U.S.C. §1191(b)** have been satisfied, it is therefore **ORDERED** that:

1. The Plan is **CONFIRMED**.
2. Starting on the Plan’s effective date and then monthly by the 15th day after the close of the months set forth on the Debtor’s projected cash flows on Exhibit B of the Plan, the Debtor will pay its aggregate Disposable Income to the Subchapter V Trustee for disbursement consistent with the Plan. In connection with each monthly disbursement date, the Debtor shall deliver to the Subchapter V Trustee (collectively, the “Post-Petition Obligations”): (1) a report setting forth the calculation of the Disposable Income distributable to creditors, (2) a copy of the Debtor’s bank account statements and any other backup reasonably requested by the Subchapter V Trustee to confirm the propriety of the Disposable Income calculation, and (3) a check payable to “Richard Furtek, Subchapter V Trustee for the Estate of Ricci Transport & Recovery, Inc.” in the amount of the Disposable Income.
3. Pursuant to 11 U.S.C. §1194(b), the Subchapter V Trustee shall make all required Plan payments directly to the Plan payment recipients.
4. The Subchapter V Trustee shall file all required quarterly reports detailing disbursements made under the Plan as confirmed consistent with LBR 3021-1.

5. Notwithstanding any provision of the Plan, if the Debtor fails to perform any Post-Petition Obligation to the Subchapter V Trustee, the Subchapter V Trustee shall give written notice of the default (the “Default Notice”) to the Debtor, Debtor’s Counsel, and the U.S. Trustee by email and first-class mail, postage prepaid, on or after the fifteenth (15th) day following the default and file a copy of the Default Notice electronically on the public docket. The Debtor shall have thirty-five (35) days from the issuance of a Default Notice (the “Notice Period”) to cure all defaults. If the Debtor fails to cure all defaults within any Notice Period, the Trustee may certify the default to this Court. Upon certification of default by the Trustee, the Court shall enter an order converting this case to chapter 7 without further notice and hearing.
6. Notwithstanding any provision of the Plan, the discharge and release set forth in the Plan shall not constitute the discharge or release of any outstanding liabilities owed to the City of Philadelphia until it is paid in full in accordance with the Plan.
7. The discharge to be granted to the Debtor under 11 U.S.C. §1192 following the effectuation of all required Plan payments is and will be applicable solely to the Debtor and not to any non-debtor entity under this Plan.

Date: January 17, 2023



ERIC L. FRANK
U.S. BANKRUPTCY JUDGE